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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,041	03/02/2000	Dean F Jerding	A-6284	4646

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SCIENTIFIC-ATLANTA, INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
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EXAMINER
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VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2623

NOTIFICATION DATE	DELIVERY MODE
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08/24/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

**Office Action Summary**

Application No.

09/518,041

Applicant(s)

JERDING ET AL.

Examiner

Michael Van Handel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 82, 83, 91-96, 104-109 and 117-120 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 82, 83, 91-96, 104-109, 117-120 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 6/06/2007. Claims **82, 83, 91-96, 104-109, 117-120** are pending. Claims **82, 95, 108** are amended. Claims **1-81, 84-90, 97-103, 110-116** are canceled. The rejections of claims **84-90, 97-103, 110-116** under 35 USC 112, first paragraph are hereby withdrawn in light of the amendment.

### ***Response to Arguments***

1. Applicant's arguments regarding claims **82, 95, and 108**, filed 6/06/2007, have been fully considered, but they are not persuasive.

In section I of Applicant's response, the applicant argues that a reasonably skilled person would interpret Applicant's specification as allowing for multiple modifications, since there is no indication that users of the system would be given one and only one opportunity to make such modifications of their respective screens and views. The applicant interprets the examiner's statements as simply alleging the lack of explicit disclosure of multiple modifications in the present specification, and not that a reasonably skilled person would interpret the specification as only supporting one-time modifications. The applicant further requests additional clarification if such conclusions are not considered accurate.

In response, the examiner notes that a reasonably skilled person would not necessarily interpret Applicant's specification as allowing for multiple modifications. Applicant's specification states that a subscriber selects an initial guide arrangement corresponding to a

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preferred guide arrangement during an interactive configuration session (p. 27, l. 12-15).

Applicant's specification fails to explicitly describe the interactive configuration session or whether the session can be accessed for modification after an initial user selection. As such, the examiner maintains that statements concerning whether or not the initial guide arrangement can be multiply modified by the user are merely conjecture.

Regarding claims **82**, **95**, and **108**, the applicant argues that none of the references disclose or suggest that the processor is further configured to receive an initial-IPG-view instruction from the viewer to select one of at least two views as an initial view when the display screen is initially changed to the IPG view and display the program information in one of at least two views including at least a time view and theme view, wherein the time view presents the program information based on start times and listed in an order based on channel numbers and wherein the theme view presents multiple theme categories with the program information grouped by a particular theme category and listed in an order based on time within the particular theme category. The examiner respectfully disagrees. The applicant specifically argues that Tomita et al. fails to disclose or suggest that the viewer is able to select one of the at least two views as an initial view when the display screen is initially changed to the IPG view.

Tomita et al. discloses a setting screen that allows a user to set customized categories (only the television programs falling into these categories will be displayed on a listing of television programs) and customized time slots (only the television programs in these time slots will be displayed on a listing of programs). Tomita et al. further discloses that the user can set a start-up screen (the start-up screen will be displayed at the time of starting up) to be the customized listing of programs (p. 6, paragraph 95 & Fig. 14). That is, the user can customize

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the program categories, the program times, or both for display at the time of starting up. The examiner interprets the start-up screen as being “an initial view when the display screen is initially changed to the IPG view.” As such, the examiner maintains that Tomita et al. meets the limitation of “wherein the processor is further configured to receive an initial-IPG-view instruction from the viewer to select one of the at least two views as an initial view when the display screen is initially changed to the IPG view,” as currently claimed.

Further regarding claims **82**, **95**, and **108**, the applicant argues that there is no disclosure anywhere in Tomita et al. that the Customized Listing of Programs is displayed in a listing view different from that of Fig. 9. Applicant specifically argues that, although Tomita et al.’s Listing of Programs and Customized Listing of Programs may have a different number of television programs, they would have the same listing view of the television programs. The examiner respectfully disagrees. Tomita et al. discloses a setting screen, which is used for customizing a listing of programs (p. 6, paragraph 95 & Fig. 4). The user can customize categories, which causes only the television programs falling into these categories to be displayed on a listing of programs. The user can further customize time slots, which causes only the television programs in these time slots to be displayed on a listing of programs (p. 6, paragraph 95 & Fig. 14). The examiner acknowledges Applicant’s argument that there is no disclosure in Tomita et al. that the Customized Listing of Programs is displayed in a listing view different from that of Fig. 9; however, the examiner respectfully disagrees, because the program listing will be different as a result of the user-selected categories and time slots. Having different numbers of programs than that shown in Fig. 9 would result in a different listing view from that of Fig. 9. As such, the examiner maintains that Tomita et al. meets the limitation of “wherein the processor is further

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configured to receive an arrangement instruction from the viewer to display the program information in one of at least two views including at least a time view and theme view,” as currently claimed.

Still further regarding claims **82**, **95**, and **108**, the applicant argues that there is no disclosure anywhere in Tomita et al. of the viewer selecting a theme view that presents multiple theme categories with the program information grouped by a particular theme category as an initial view. The applicant specifically argues that, since Tomita et al.’s Listing of Programs and Customized Listing of Programs have the same listing view (as argued above) and the viewer cannot select a theme view as an initial view, the viewer cannot select one of a time view and theme view as an initial view for when the display screen is initially changed to an IPG view. The examiner respectfully disagrees. The above response regarding listing views is applicable here as well. Furthermore, the examiner notes that a Customized Listing of Programs displayed in a view similar to that shown in Fig. 9 includes category-search buttons 53 that are used for issuing an instruction to search for television programs classified in a selected category (p. 5, paragraph 74 & Fig. 14). That is, a user can restrict a listing of programs to a particular category as an initial view, as described above, but can further search by category once within the customized view. Tomita et al. further discloses that, upon selection of a category-search button 53, a search-result screen is displayed listing programs that fall into the requested program category and listed accorded to time (p. 7, 8, paragraphs 117-121 & Fig. 17). As such, the examiner maintains that Tomita et al. meets the limitation of “wherein the theme view presents multiple theme categories with the program information grouped by a particular theme category and listed in an order based on time within the particular theme category,” as currently claimed.

Still further regarding claims **82**, **95**, and **108**, the applicant argues that Tomita et al. fails to teach or suggest that the start-up screen that is displayed at the time of starting up is a screen that results from an activation request from the viewer that configures the processor to display the program information in the initial view selected by the viewer. The examiner respectfully disagrees. Tomita et al. discloses a setting screen for setting customized categories and customized time slots of a customized program listing (p. 6, paragraphs 94, 95). Tomita et al. further discloses setting a start-up screen that will be displayed at the time of starting up (p. 6, paragraph 95). The start-up screen can be set to a main menu, a listing of programs, a customized listing of programs, or special coverage (Fig. 14). Since the setting screen is described as part of the broadcast-program-information supplying program 300, the examiner interprets Fig. 14 of Tomita et al. as illustrating that a user can customize a category, and/or time for a customized listing of programs, and can set the first screen displayed after starting up, or activating, the broadcast-program-information supplying program 300 to be the customized listing of programs (p. 4, paragraph 66). The examiner acknowledges Applicant's argument that Tomita et al. never equates the start-up screen with the screen that comes up when receiving an activation instruction from the viewer; however, it would not make logical sense for the start-up screen of Tomita et al. to appear at any point after the initial screen were displayed. Tomita et al. illustrates, in Figs. 7 and 8, that the user has access to the Customized Listing of Programs button after the initial screen is displayed (p. 4, paragraph 67; p. 5, paragraph 75; & Figs. 7, 8). Providing the user with a customized listing of programs start-up screen after already having provided the listing would not provide the user with any benefit. Furthermore, it is likely that the main menu start-up screen option of Fig. 14 correspond to the initial screen menu of Fig. 8, since

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it is the only menu that provides access to all of the functions of the broadcast-program-information supplying program 300. Thus, the examiner maintains that Tomita et al. meets the limitation of “wherein, upon receiving an activation instruction from the viewer, the processor is further configured to display the program information in the initial view selected by the viewer,” as currently claimed.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **82, 83, 92-96, 105-109, 118-120** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita et al. in view of LaJoie et al.

Referring to claims **82, 95, and 108**, Tomita et al. discloses a set-top terminal (STT)/IPG/method comprising:

- memory configured to store an interactive program guide (IPG), the IPG configured to display, on a display screen, program information related to a plurality of television programs, the program information for each television program including at least a title of the television program, a start time of the television program, and a channel on which the television program can be viewed (p. 3, paragraph 46 & p. 4, paragraphs 62-64; p. 5, paragraph 73; & Fig. 9); and



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- a processor in communication with the memory, the processor configured to control the IPG to display the program information (p. 3, paragraphs 46, 47);
- wherein the processor is further configured to receive an activation instruction from a viewer to change the display screen to an IPG view predominantly showing program information (p. 4, paragraphs 66, 67; p. 5, paragraphs 68-73; & Fig. 9);
- wherein the processor is further configured to receive an arrangement instruction from the viewer to display the program information in one of at least two views including at least a time view and a theme view (p. 5, paragraphs 73, 74; p. 6, paragraph 95; & Figs. 9, 14);
- wherein the time view presents the program information based on start times and listed in an order based on channel numbers (p. 5, paragraph 74; p. 6, paragraph 95; & Figs. 9, 14);
- wherein the theme view presents multiple theme categories with the program information grouped by a particular theme category and listed in an order based on time within the particular theme category (p. 5, paragraph 74; p. 6, paragraph 95; & Figs. 9, 14);
- wherein the processor is further configured to receive an initial-IPG-view instruction from the viewer to select one of the at least two views as an initial view when the display screen is initially changed to the IPG view (p. 6, paragraph 95 & Fig. 14); and
- wherein, upon receiving an activation instruction from the viewer, the processor is further configured to display the program information in the initial view selected by the viewer (the examiner notes that the user can customize the categories and times

that program listings are restricted to and can then set the customized listing of programs as the start up screen that is shown upon activation)(p. 6, paragraph 95 & Fig. 14).

Tomita et al. does not disclose changing the display screen from a program view predominantly showing a television program to an IPG view predominantly showing program information upon receiving an activation instruction. LaJoie et al. discloses switching from a normal television program display to an interactive program guide (IPG) display when a user presses a guide key (col. 23, l. 44-59; col. 25, l. 61-66; & Figs. 16, 18). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Tomita et al. to include switching from a normal television program display to an IPG display when a user presses a key, such as that taught by LaJoie et al. in order to provide a full service television system capable of delivering advanced television services (col. 1, l. 43-45).

Referring to claims **83**, **96**, and **109**, the combination of Tomita et al. and LaJoie et al. teaches the STT/IPG/method of claims 82, 95, and 108, respectively, wherein the memory receives the program information from a server (Tomita et al. p. 4, paragraph 60).

Referring to claims **92**, **105**, and **118**, the combination of Tomita et al. and LaJoie et al. teaches the STT/IPG/method of claims 82, 95, and 108, respectively. Tomita et al. further discloses wherein, in response to receiving the arrangement instruction, the processor is configured to display the program information in one of at least two views including at least a time view and a theme view (see appropriate citations regarding claim 82 above). Tomita et al. does not disclose wherein, in response to receiving the arrangement instruction, the processor is further configured to display the program information in one of at least three views including at

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least the time view, the theme view, and a title view, the title view presenting the program information of television programs within a current and future time period and listed in alphabetical order. LaJoie et al. discloses arranging program listings in an interactive program guide according to time, theme, or title (Figs. 16, 17, 20-23). LaJoie et al. further discloses that, in arranging program listings according to title, the programs are presented within a current and future time period (CBS Sports Special is current, Casablanca is future) and are listed in alphabetical order (Fig. 22). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Tomita et al. and LaJoie et al. to include a title view presenting program information within a current and future time period and listed in alphabetical order, such as that taught by LaJoie et al. in order to provide an intuitive user interface for searching a comprehensive list of programs.

Referring to claims **93, 94, 106, 107, 119, and 120**, the combination of Tomita et al. and LaJoie et al. teaches the STT/IPG/method of claims 92, 105, and 118, respectively. Tomita et al. does not disclose that the processor is further configured to enable the viewer to select an option to initially display a menu within the at least three views, the menu enabling the user to select the time view, theme view, or title view. Tomita et al. further does not disclose that the processor is further configured to enable the viewer to select an option to disable the display of the menu. LaJoie et al. discloses pressing a guide key to enter an interactive program guide that allows the user to browse by time, theme, or title from the initial screen (col. 25, l. 63-66 & Figs. 16, 18, 19). LaJoie et al. further discloses a select key that, when pressed, causes the interactive program guide to be removed from the display (col. 26, l. 15-20). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination

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of Tomita et al. and LaJoie et al. to include pressing a key to enable a browse by time, theme, or title menu and pressing another key to disable the menu, such as that taught by LaJoie et al. in order to provide a user with a menu for easily locating programs they're interested in.

3. Claims **91, 104, 117** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomita et al. in view of LaJoie et al. and further in view of Young et al.

Referring to claims **91, 104, and 117**, the combination of Tomita et al. and LaJoie et al. teaches the STT/IPG of claims 82, 95, and 108, respectively. The combination of Tomita et al. and LaJoie et al. does not teach that the processor is further configured to enable the viewer to select an option to display the last IPG view in effect at the time of exit from a first IPG view when the display screen has been changed from the first IPG view back to the program view predominantly showing television program. Young et al. discloses entering a program guide, exiting the guide back to a TV mode, and, upon reactivating the program guide, resuming the guide session from the last listing displayed (col. 24, l. 25-64). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Tomita et al. and LaJoie et al. to include allowing a user to resume a guide session from the state of a previous guide session, such as that taught by Young et al. in order to provide a user with the highly desirable ability to resume and continue forward from a last listing (Young et al. col. 22, l. 49-51).

### ***Conclusion***

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**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH

  
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